



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,434	12/10/2003	Christoph Gouguenheim	200207237-1	2133
22879 7590 02/24/2010 HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS, CO 80528				
EXAMINER				
OKEKE, EZUNNA				
ART UNIT		PAPER NUMBER		
2432				
NOTIFICATION DATE		DELIVERY MODE		
02/24/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
laura.m.clark@hp.com

Office Action Summary**Application No.**

10/733,434

Applicant(s)

GOUGUENHEIM ET AL.

Examiner

IZUNNA OKEKE

Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-24, 26-28 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-7, 9-19, 21-24, 26-28 and 30-36 is/are rejected.
- 7) ☒ Claim(s) 3 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 12/21/2009, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Gilberto Barron Jr./
Supervisory Patent Examiner, Art Unit 2432

Response to Arguments

2. Applicant's arguments with respect to claims 1-7, 9-24, 26-28 and 30-36 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

1. Claims 3 and 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9-24, 26-28 and 30-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuria et al. (US-7337332)

a. *Referring to claim 1, 11, 16, 17, 19, 26, 28 and 36:*

Regarding claim 1 and similar claims 11, 16, 17, 19, 26, 28 and 36, Tsuria teaches a secure token for use with an encrypted file and an insecure decryption device, the secure token comprising a processor for protecting a first cryptographic key against unauthorized access (Fig 1 and Col 5, Line 49-51.... first smart card of first user comprising a first key 18 (subscriber's kek 18 such as a public key)), and creating a second cryptographic key from the first key and a message unique to the insecure device, the second key usable for file decryption by the insecure device (Col 5, Line 33-67.... second cryptographic key 16 (decryption key 16) which is encrypted with the first key and usable for file decryption by the first content reader), wherein, in a file transaction with a peer, the secure token is configured to create a third key unique to the peer and send the third key to the insecure device and the peer (Col 6, Line 30 thru Col 7, Line 19.... In a peer transaction between the first and second smart cards (30 and 32), smart card 30 is configured to create a third key unique to the second peer).

a. Referring to claim 2, 30 and 31:

Regarding claim 2 and similar claims 30 and 31, Tsuria teaches the secure token of claim 1, wherein the secure token includes a smart card, the smart card including the processor (Col 6, Line 21-25.... smart token).

a. Referring to claim 4, 12, 18, 21 and 33:

Regarding claim 4 and similar claims 12, 18, 21 and 33, Tsuria teaches the secure token of claim 1, wherein the secure token performs an electronic transaction to obtain the first key (Col 6, Line 54-57 and Col 8, Line 24-64).

a. Referring to claim 5, 13 and 22:

Regarding claim 5 and similar claims 13 and 22, Tsuria teaches the secure token of claim 4, wherein the secure token conducts a transaction with a server to purchase a desired file; and wherein the secure token receives the first key from the server (See the rejection in claim 1.... receiving the first key (kek 18 such as a public key) for a content source).

a. Referring to claim 6, 7, 14, 15, 23, 24 and 35:

Regarding claim 6 and similar claims 7, 14, 15, 23, 24 and 35, Tsuria teaches the secure token of claim 4, wherein the transaction is a transaction of the secure token with a peer the purchase the file; and wherein the secure token receives the first key from the peer (Col 6, Line 54-57 and Col 8, Line 24-64... transaction to purchase content).

a. Referring to claim 9:

Regarding claim 9, Tsuria teaches the secure token of claim 1, further comprising means for receiving the first key and encrypted data, wherein the insecure device uses the second key to

decrypt the encrypted data (Fig 1. first content reader 14 for receiving the key packet 12 and encrypted content 10 wherein the second key (decryption key 16) is used to decrypt the content).

a. Referring to claim 10 and 34:

Regarding claim 10 and similar claim 34, Tsuria teaches the secure token of claim 1, wherein processing power of the secure token is significantly less than processing power of the insecure device (Fig 1. secure token (smart card 30) with less processing power than the first content reader which might be a portable device or computer).

a. Referring to claim 27:

Regarding claim 27, Tsuria teaches the device of claim 26, further comprising means for playing media decrypted with the second cryptographic key (Col 6, Line 6-8).

a. Referring to claim 32:

Regarding claim 32, Tsuria teaches the system of claim 31, wherein the insecure device includes a media player (Col 6, Line 6-8 and Col 5, Line 42-44).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IZUNNA OKEKE whose telephone number is (571)270-3854. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/I. O./

Examiner, Art Unit 2432

/Gilberto Barron Jr./

Supervisory Patent Examiner, Art Unit 2432